

REMARKS

Claims 1-20, 25-35, 37-38, 71-77, 79-167, 172-174, 180, 181, 228 and 229 were pending in the instant application as of the issuance of the Office Action dated March 17, 2008. According to the foregoing amendments, claims 1, 5, 6, 11, 20, 26, 28, 30, 34, 35, 37, 71, 72, 76, 77, 79, 80, 90, 93, 100, 103, 105, 106-109, 115, 118, 121, 128, 131-135, 146, 147, 152, 153, 157, 159, 161, 163, 173 and 228 have been amended and claims 73-75 and 125-127 have been cancelled without prejudice to the prosecution of these claims in this or a subsequently filed application. Accordingly, after the amendments presented herein have been entered, claims 1-20, 25-35, 37-38, 71, 72, 76, 77, 79-124, 128-167, 172-174, 180, 181, 228 and 229 will remain pending in this application.

Applicants submit that the amendments have been made primarily to attend to formalities. Support for these amendments to the claims may be found throughout the specification and in the claims as originally filed.

No new matter has been added by the amendments to the claims. The amendments to the claims and cancellation of certain claims should not be construed as an acquiescence to the validity of the outstanding rejections and were done solely in the interest of expediting prosecution and allowance of the claims. Applicants reserve the right to pursue the claims as previously pending and as originally filed in one or more further applications.

***REJECTION OF CLAIMS 1-20, 25-35, 37, 38, 71-77, 79-167, 172-174, 180, 181, 228 AND 229
UNDER 35 USC § 112, SECOND PARAGRAPH***

The Examiner has rejected claims 1-20, 25-35, 37, 38, 71-77, 79-167, 172-174, 180, 181, 228 and 229 under 35 U.S.C. § 112, second paragraph as allegedly “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In the interest of clarity, Applicants will address each rejection in turn, as set forth below.

Initially, the Examiner rejects the pending claims on the grounds that allegedly “the terms ‘having’, ‘comprises’ and ‘comprising’ renders [*sic*] the claims indefinite because it is not clear what else the compound or dye can comprise.”

Applicants respectfully disagree for the reasons of record. Notwithstanding the foregoing, solely in the interest of expediting examination and in no way acquiescing to the validity of the Examiner's rejections, Applicants have amended the pending claims to remove reference to these terms where appropriate, thereby rendering the foregoing rejection moot.

In addition, the Examiner rejects claim 30 for various informalities. Applicants have amended the claims, thereby rendering the foregoing rejection moot. With respect specifically to the Examiner's indication that "n" is undefined in the recitation of a structure in claim 30, Applicants respectfully submit that one skilled in the art would appreciate the scope of the claimed structure such that the claimed structure would retain the desired dye functionality. Nonetheless, solely in the interest of expediting examination and in no way acquiescing to the validity of the Examiner's rejections, Applicants have deleted the rejected structure, thereby rendering the foregoing rejection moot.

The Examiner further rejects claims 73-77 and 125 as allegedly not further limiting claim 1, of which each claim is dependent. Applicants respectfully disagree. Notwithstanding the foregoing, solely in the interest of expediting examination and in no way acquiescing to the validity of the Examiner's rejections, Applicants have cancelled claims 73-75 and 125, thereby rendering the foregoing rejection moot as it relates to these claims. With respect to claims 76 and 77, the Examiner asserts that "the structure... only contains the A and B moieties but the compound synthesized in claim 1 also contains a C moiety and is of the formula A-B-C." Applicants respectfully disagree and submit that the structures recited in each of claims 76 and 77 do, in fact, recite a C moiety. Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection of claims 76 and 77.

The Examiner further rejects claim 157 on the grounds that "it is not clear how a precursor aminophthalimide-linked B... can be formed if a aminophthalic acid diester or other aminophthalhydrazide which is not a aminophthalimide... is used." Applicants respectfully disagree and submit that one skilled in the art would be capable of practicing the claimed invention as previously pending. Notwithstanding the foregoing, solely in the interest of

expediting examination and in no way acquiescing to the validity of the Examiner's rejection, Applicants have amended the pending claims to remove recitation to aminophthalic acid diester or other aminophthalhydrazide, thereby rendering the foregoing rejection moot.

The Examiner further rejects claims 79, 115, 118, 159 and 228 for various informalities, for example, grammatical informalities. Applicants have amended these claims in accordance with the Examiner's recommendations, thereby rendering the foregoing rejections moot.

CONCLUSION

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

The Commissioner is hereby authorized to charge any deficiency in the fees paid herewith, or credit any overpayment, to Deposit Account No. 12-0080, under Order No. RMI-017, from which the undersigned is authorized to withdraw.

Dated: May 26, 2009

Respectfully submitted,

/Maneesh Gulati/

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